

111TH CONGRESS  
1ST SESSION

# H. R. 2592

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2009

Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. ARCURI, Mr. BROWN of South Carolina, Mr. FILNER, Mr. ROONEY, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. CRENSHAW) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Building Code  
5 Incentive Act of 2009”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) mitigation planning is the foundation for  
4 saving lives, protecting residential and commercial  
5 properties, and developing disaster resistant commu-  
6 nities;

7 (2) recent studies of the performance of build-  
8 ing structures during disasters have demonstrated  
9 that the adoption and active enforcement of State  
10 building codes have greatly reduced residential and  
11 commercial property damage and personal injury re-  
12 sulting from major disasters;

13 (3) modern building codes govern all aspects of  
14 construction and are designed to ensure that single-  
15 family residential dwellings and commercial struc-  
16 tures are protected from natural disasters;

17 (4) the people of the United States rely on ac-  
18 tive enforcement of modern building codes for assur-  
19 ance that minimum standards for reducing personal  
20 injuries and property damages have been met in the  
21 buildings they live in, work in, and visit everyday;

22 (5) active enforcement of building codes plays  
23 an increasingly important role in public safety and  
24 loss prevention of residential and commercial prop-  
25 erty;

1           (6) active enforcement of building codes based  
2           on nationally recognized models reduces the need for  
3           public disaster aid, creates sustainable communities,  
4           promotes a level and consistent playing field for de-  
5           sign professionals, suppliers, and builders, and can  
6           contribute to the durability of residential and com-  
7           mercial structures;

8           (7) under the Robert T. Stafford Disaster Re-  
9           lief and Emergency Assistance Act (42 U.S.C. 5121  
10          et seq.), the Federal Emergency Management Agen-  
11          cy provides Federal assistance to States for mitiga-  
12          tion efforts;

13          (8) it is beneficial and appropriate to expand  
14          Federal mitigation assistance to encourage States to  
15          take a comprehensive and integrated approach to  
16          disaster loss reduction; and

17          (9) it is beneficial to the Federal Government  
18          and appropriate that Federal mitigation assistance  
19          be used to encourage the adoption and active en-  
20          forcement of State building codes as a disaster miti-  
21          gation strategy under the auspices of a comprehen-  
22          sive disaster loss reduction plan.

23 **SEC. 3. PURPOSES.**

24          The purposes of this Act are to—

1           (1) substantially mitigate the occurrence of loss  
2           to residential and commercial property, reduce and  
3           minimize damage when losses to residential and  
4           commercial property occur, improve the quality and  
5           value of residential and commercial property, and re-  
6           duce the need for public disaster aid;

7           (2) provide incentives for the adoption and ac-  
8           tive enforcement of State building codes;

9           (3) encourage States to continue their key re-  
10          sponsibility to coordinate all State and local activi-  
11          ties relating to hazard evaluation and mitigation, as  
12          specified in section 201.3(c) of title 44, Code of Fed-  
13          eral Regulations, through the adoption and active  
14          enforcement of State building codes; and

15          (4) encourage States to require that local gov-  
16          ernments use a current version of a nationally appli-  
17          cable model building code that address natural haz-  
18          ards as a basis for design and construction of State-  
19          sponsored mitigation projects described in section  
20          201.5(b)(4)(iv) of title 44, Code of Federal Regula-  
21          tions.

22 **SEC. 4. ADDITIONAL MITIGATION ASSISTANCE.**

23          Section 404 of the Robert T. Stafford Disaster Relief  
24          and Emergency Assistance Act (42 U.S.C. 5170c) is  
25          amended by adding at the end the following:

1 “(d) ADDITIONAL MITIGATION ASSISTANCE.—

2 “(1) IN GENERAL.—If, at the time of a declara-  
3 tion of a major disaster, the affected State has in  
4 effect and is actively enforcing throughout the State  
5 an approved State building code, the President may  
6 increase the maximum total of contributions under  
7 this section for the major disaster, as specified in  
8 subsection (a) and section 322(e), by an amount  
9 equal to 4 percent of the estimated aggregate  
10 amount of grants to be made (less any associated  
11 administrative costs) under this Act with respect to  
12 the major disaster.

13 “(2) SUBMISSION.—To be eligible for an in-  
14 creased Federal share under paragraph (1), a State  
15 shall submit its State building code to the President  
16 for approval.

17 “(3) APPROVAL.—The President shall approve  
18 a State building code submitted under paragraph (2)  
19 if the President determines that the building code—

20 “(A) is consistent with the most recent  
21 version of a nationally recognized model build-  
22 ing code;

23 “(B) has been adopted by the State within  
24 6 years of the most recent version of the na-  
25 tionally recognized model building code; and

1           “(C) uses the nationally recognized model  
2           building code as a minimum standard.

3           “(4) PERIODIC UPDATES.—The President, act-  
4           ing through the Administrator, shall set appropriate  
5           standards, by regulation, for the periodic update, re-  
6           submittal, and approval of a State building code ap-  
7           proved by the President in accordance with para-  
8           graph (3) that are consistent with similar require-  
9           ments related to mitigation planning under section  
10          322.

11          “(5) DEFINITIONS.—In this subsection, the fol-  
12          lowing definitions apply:

13               “(A) ACTIVELY ENFORCING.—The term  
14               ‘actively enforcing’ means effective jurisdic-  
15               tional execution of all phases of a State building  
16               code in the process of examination and approval  
17               of construction plans, specifications, and tech-  
18               nical data and the inspection of new construc-  
19               tion or renovation.

20               “(B) NATIONALLY RECOGNIZED MODEL  
21               BUILDING CODE.—The term ‘nationally recog-  
22               nized model building code’ means a building  
23               code for residential and commercial construc-  
24               tion and construction materials that—

1 “(i) has been developed and published  
2 by a code organization in an open con-  
3 sensus type forum with input from na-  
4 tional experts; and

5 “(ii) is based on national structural  
6 design standards that establish minimum  
7 acceptable criteria for the design, construc-  
8 tion, and maintenance of residential and  
9 commercial buildings for the purpose of  
10 protecting the health, safety, and general  
11 welfare of the building’s users against nat-  
12 ural disasters.

13 “(C) STATE BUILDING CODE.—The term  
14 ‘State building code’ means requirements and  
15 associated standards for residential and com-  
16 mercial construction and construction materials  
17 that are implemented on a statewide basis by  
18 ordinance, resolution, law, housing or building  
19 code, or zoning ordinance. At a minimum, such  
20 requirements and associated standards shall  
21 apply—

22 “(i) to construction-related activities  
23 of residential building contractors applica-  
24 ble to single-family and 2-family residential  
25 structures; and

1 “(ii) to construction-related activities  
 2 of engineers, architects, designers, and  
 3 commercial building contractors applicable  
 4 to the structural safety, design, and con-  
 5 struction of commercial, industrial, and  
 6 multifamily structures.

7 “(6) REGULATIONS.—Not later than 180 days  
 8 after the date of enactment of this subsection, the  
 9 President, acting through the Administrator of the  
 10 Federal Emergency Management Agency, shall issue  
 11 such regulations as may be necessary to carry out  
 12 this subsection.”.

13 **SEC. 5. PREDISASTER HAZARD MITIGATION.**

14 (a) USES OF TECHNICAL AND FINANCIAL ASSIST-  
 15 ANCE.—Section 203(e)(1)(B) of the Robert T. Stafford  
 16 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
 17 5133(e)(1)(B)) is amended—

18 (1) by striking “or” at the end of clause (ii);

19 (2) by striking the period at the end of clause

20 (iii) and inserting “; or”; and

21 (3) by adding at the end the following:

22 “(iv) to establish and operate a build-  
 23 ing department and carry out enforcement  
 24 activities to implement a State building  
 25 code approved under section 404(d).”.



1 (b) CRITERIA FOR ASSISTANCE AWARDS.—Section  
2 203(g) of such Act (42 U.S.C. 5133(g)) is amended—

3 (1) by striking “and” at the end of paragraph  
4 (9);

5 (2) by redesignating paragraph (10) as para-  
6 graph (11); and

7 (3) by inserting after paragraph (9) the fol-  
8 lowing:

9 “(10) the extent to which the State or local  
10 government is carrying out activities to implement a  
11 State building code approved under section 404(d)  
12 and”.

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